

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/14/2022

WILLIAM DEVINNEY

November 14, 2022

BRIGLIAHUNDLEY PC

1921 GALLOWES ROAD

SUITE 750

TYSONS CORNER, VA 22182

(703) 489-0587

WDEVINNEY@BRIGLIAHUNDLEY.COM

Via Electronic Filing and Email

Hon. Mary Kay Vyskocil
United States District Court Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *M.H-Z. et al v. New York City Dept. of Ed.*,
No. 1:22-cv-03479-MKV

I am Plaintiffs' counsel in *M.H-Z. et al v. New York City Dept. of Ed.*, No. 1:22-cv-03479-MKV. Plaintiffs' motion for attorneys' fees under the fee-shifting provisions of the Individuals with Disabilities Education Improvement Act is due today, November 11, 2022. (D.I. 21) Last week, Plaintiffs requested a one-week extension because Plaintiffs' counsel did not think settlement was likely as no settlement offer had been made. I spoke with Defendant's counsel today, however, and learned that he is awaiting authority to make a settlement offer.

The Court's individual practices require any request for an extension must be made 72 hours before an appearance, absent good cause. Plaintiffs believe good cause exists. Plaintiff's counsel and Defendants' counsel may be able to settle the case. Plaintiffs' counsel and Defendant's counsel have successfully resolved other attorneys' fees cases under the IDEA recently. Also, Plaintiffs would seek reimbursement under the IDEA's fee shifting provisions for any additional time Plaintiffs' counsel expends finalizing and filing the brief. Thus, the parties believe an extension will improve the chances of settlement. It will also save Defendant's resources not requiring the New York Law Department to begin working on its response brief immediately.

Plaintiffs request the Court extend the briefing schedule for Plaintiffs' motion for attorneys' fees so Plaintiffs' motion is due November 28,

BRIGLIAHULDLEY PC

1921 GALLOWS ROAD

SUITE 750

TYSONS CORNER, VA 22182

(703) 942-8076

2022; Defendant's response is due December 28, 2022, and Plaintiffs' reply is due January 11, 2023.

The parties made one previous joint request to extend the briefing schedule, and Plaintiffs made one previous request for a seven-day extension, both of which were granted. Defendant consents to this request.

Thank you for your consideration of this submission.

Sincerely,




William DeVinney

BRIGLIA HUNDLEY, P.C.

Granted. SO ORDERED.

Date: 11/14/2022
New York, New York



Mary Kay Vyskocil
United States District Judge

Encl.

cc: Thomas Lindeman (via email)

David Thayer, Esq. (via email)